

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

| | | |
|---------------------------|---|-------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 05-03032-01-CR-S-RED |
| |) | |
| ROGER E. WALL, |) | |
| |) | |
| Defendant. |) | |

ORDER

NOW before the Court is the Motion to Dismiss (Doc. 24), Defendant's Motion for Additional Discovery and Depositions (Doc. 22), and the Government's Response to Motion of Defendant For Additional Discovery and Depositions, Motion to Dismiss due to Governmental Misconduct; and/or in the Alternative, Motion for Protective Order (Doc. 41). The United States Magistrate Judge James C. England entered his report and recommendations on these motions (Doc. 57), recommending that the Motions be denied. Defendant has filed no objection to the Report and Recommendations and the time for objections has expired.

Upon a *de novo* review the Court ADOPTS and incorporates as its own Opinion and Order the Magistrate's Report and Recommendation. Accordingly, and for the reasons articulated by the Magistrate in the Report and Recommendations (Doc. 57) it is hereby

ORDERED that Defendant's Motion to Dismiss (Doc. 24) is **DENIED** without prejudice, and Defendant's Motion for Additional Discovery and Depositions; Motion to Dismiss Due to Governmental Misconduct; and/or In the Alternative, Motion for Protective Order (Doc. 22) are **DENIED**.

IT IS SO ORDERED.

DATE: February 2, 2006

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT